

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

HELGA GLOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	1:14-cv-03249-TWT
GASTON GLOCK SR., et al,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**

Defendants Gaston Glock Sr., Glock Ges.m.b.H., Glock, Inc., Glock America S.A., Glock (H.K.) Ltd., CON Holding GmbH, Consultinvest, Inc., Stephan Doerler, Fitox A.G., INC Holding GmbH, Joerg-Andreas Lohr, Lohr + Company GmbH Wirtschaftsprüfungsgesellschaft, Rochus GmbH, and Karl Walter (collectively, “Defendants”) respectfully move this Court to Dismiss with prejudice Plaintiff Helga Glock’s Second Amended Complaint in its entirety for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

This Court previously described Ms. Glock’s original complaint as “a typical shotgun pleading.” Given one opportunity to amend to narrow her claims, Ms. Glock repeated and cross-incorporated hundreds of paragraphs into a 373-page First Amended Complaint. Now, she returns with a Second Amended Complaint

that spans 546 pages and continues to repeat and cross-incorporate hundreds of paragraphs. Like the two complaints before it, the Second Amended Complaint is replete with vague, immaterial facts and consists primarily of conclusory—and often contradictory—allegations. In short, it remains a shotgun complaint.

Despite her verbosity, Ms. Glock's Second Amended Complaint fails to state a claim under the federal or Georgia RICO statutes. In addition to claiming foreign injuries, for which neither the federal nor the Georgia RICO statute authorize relief, Ms. Glock has no standing to assert her RICO claims. Any injury Ms. Glock suffered as a shareholder of Glock Ges.m.b.H. is an indirect, derivative injury that is too remote for Ms. Glock to recover under *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258 (1992), *Bivens Gardens Office Bldg., Inc. v. Barnett Banks of Florida, Inc.*, 140 F.3d 898, 904 (11th Cir. 1998), and their progeny. Because Ms. Glock's only alleged injury was as a shareholder of Glock Ges.m.b.H., this case should be dismissed for her lack of standing. Moreover, the Private Securities Litigation Reform Act ("PSLRA") poses an absolute bar to Ms. Glock's federal RICO claims, which allege "fraud in the purchase or sale of securities." 18 U.S.C. § 1964(c).

Next, Ms. Glock's own allegations confirm that her claims are time-barred. Ms. Glock cannot recover for an alleged racketeering scheme she claims began in

the 1980s, because her own pleadings allege that the scheme and her injuries were disclosed no later than the early 2000s. Accordingly, the statute of limitations on all of Ms. Glock's claims ran well before she filed this action in October 2014.

Ms. Glock also has failed in multiple material respects to allege a viable claim under the federal and Georgia RICO statutes as detailed in Defendants' accompanying brief. Defendants, therefore, respectfully request that the Court dismiss Ms. Glock's Second Amended Complaint in its entirety with prejudice.

Finally, in the event that the Court may find it helpful, Defendants respectfully request the opportunity to present their arguments to the Court in oral argument.

This 23d day of August, 2016.

Respectfully submitted,

/s/Ronan P. Doherty

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**CERTIFICATE OF SERVICE**

I, Ronan P. Doherty, hereby certify that on August 23, 2016, I electronically filed the foregoing **MOTION TO DISMISS** and **BRIEF IN SUPPORT** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record for all parties.

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